

Notice of Allowability

Application No.

10/028,390

Applicant(s)

SEMPER, WILLIAM JOSEPH

Examiner

Art Unit

DANH C. LE

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/26/05.
2. ☒ The allowed claim(s) is/are 1,3-16 and 18-30.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Mockler on 11/30/05.

Claims 1, 3, 4, 16, 18, 19 are amended as the following:

1. For use in a wireless communication system comprising at least two base stations and a mobile station, an apparatus for providing rescue channel communications between said at least two base stations in said wireless communication system, said apparatus comprising:

a rescue base station that is capable of communicating with said mobile station that is capable of providing a rescue channel for said mobile station; and

a source base station that is capable of communicating with said mobile station and with said rescue base station and that is capable of sending messages to said rescue base station to establish a rescue channel from said source base station to said mobile station through said rescue base station.

wherein said source base station is capable of sending an A 7 handoff request message to said rescue base station to establish said rescue channel for said mobile station.

16. For use in a wireless communication system comprising at least two base stations and a mobile station, a method for providing rescue channel communications between said at least two base stations in said wireless communication system, said method comprising the steps of:

providing a rescue base station that is capable of communicating with said mobile station and that is capable of providing a rescue channel for said mobile station; and

providing a source base station that is capable of communicating with said mobile station and with said rescue base station; and

sending messages from said source base station to said rescue base station to establish a rescue channel from said source base station to said mobile station through said rescue base station.

sending an A7 handoff request message from said source base station to said rescue base station to establish said rescue channel for said mobile station.

Claims 2 and 17 were cancelled.

3. The apparatus as set forth in Claim 1 wherein said A7 handoff request message comprises an A7 handoff request message of a CDMA 2000 Air Interface Standard that has been modified to include a rescue channel indicator.

4. The apparatus as set forth in Claim 1 wherein, in response to receiving said A7 handoff request message from said source base station, said rescue base station is capable of sending an A3 connect message to said source base station to establish an A3 connection for said rescue channel.

18. The method as set forth in Claim 16 wherein said A7 handoff request message comprises an A7 handoff request message of a CDMA 2000 Air Interface Standard that has been modified to include a rescue channel indicator.

19. The method as set forth in Claim 16 further comprising the step of:
in response to receiving said A 7 handoff request message from said source base station, sending an A3 connect message from said rescue base station to said source base station to establish an A3 connection for said rescue channel.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 1, 3-16, 18-30 are allowed as stated in the applicant's remarks on pages 11-15.

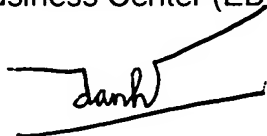
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "danh", is written over a horizontal line. A second line extends from the end of the signature, sloping upwards and to the right.

November 30, 2005.

DANH CONG LE
PATENT EXAMINER